HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.19729 of 2007

Between:

General Manager,
Ordnance Factory Medak,
Yeddumailarm,
Medak District.

... Petitioner

AND

B. Ramachander Goud.

... Respondents

; ORDER :

Counsel for the petitioner : Shri A. Rajashekar Reddy
Assistant Solicitor General

Dated: 18th September, 2007

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Per C.V.NAGARJUNA REDDY, J.

The respondent in O.A.No.563 of 2007 filed this writ petition against order dated 22.08.2007 passed by the Central Administrative Tribunal, Hyderabad Bench, Hyderabad (for short "the Tribunal") whereby it allowed the prayer of the applicant (respondent herein) for change of his official quarters.

The respondent is an employee in Ordnance Factory, Medak at Yeddumailaram. In 1993, he was allotted residential quarter No.3788 on the first floor of the building belonging to the factory. On 18.06.2007, the respondent applied for allotment of quarter No.3785 located on the ground floor by stating that his aged parents were suffering from ailment. However, instead of allotting the ground floor quarter to the respondent, the petitioner notified the same for allotment on 25.07.2007. This was challenged by the respondent by filing O.A.No.563 of 2007 before the Tribunal and as noted above, the said O.A. was allowed by order dated 22.08.2007.

Heard Sri A. Rajashekar Reddy, learned Assistant Solicitor General for the petitioner and perused the record.

The learned counsel for the petitioner submitted that the Tribunal committed an error in granting the prayer of the respondent for change of the quarter ignoring the provisions of Rule 16 of the Allotment of Residences (Ordnance Factories Accommodation for Civilians in Defence Services) Rules, 2003 (for short, 'the Rules').

We have carefully considered the submissions of the learned

counsel, but have not felt persuaded to accept the same. A reading of the order under challenge shows that the Tribunal interpreted Rules 16 and 23 of the Rules and held that new allotments are governed by Rule 16 and an application for change of quarter is to be decided in accordance with Rule 23. TheTribunal rejected the contention put-forth on behalf of the petitioner that no residential quarters can be allotted without notifying the same and considering the pending applications in order of priority. The Tribunal held that a person, who satisfies the twin conditions contained in Rule 23, namely, (a) he was in occupation of the residential accommodation at least for a period of six months before making the application for change, and (b) he is not entitled to change of accommodation in respect of each type of the residence more than once, is entitled to be considered for change of residence without there being any need for notifying the vacant residential quarters and that after considering the applications for change of allotment, the vacant quarters have to be notified under Rule 16.

In our considered view, the interpretation placed by the Tribunal on the Rules is quite plausible and convincing and that the Tribunal has not committed any jurisdictional error warranting our interference in exercise of power of judicial review under Article 226 of the Constitution of India.

On the premise aforesaid, the writ petition is liable to be dismissed. Ordered accordingly.

As a sequel to dismissal of the writ petition, WPMP.No.25435 of 2007 filed by the petitioner for interim relief is also dismissed.

C.V. NAGARJUNA REDDY, J

G.S.SINGHVI, CJ

Date: 18.09.2007.

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